

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF
AMERICA,

VS.

ROBERT RAMOS,
Defendant.

CRIMINAL ACTION NO.
04-10146-WGY

**MOTION TO ALLOW DR. JOHN DAIGNAULT TO TESTIFY AT
SENTENCING**

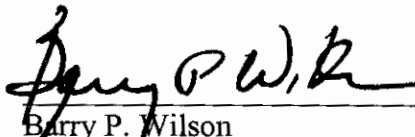
The Defendant, Robert Ramos, has hired Dr. John Daignault to evaluate him in order to show that he was suffering a mental impairment (diminished capacity) at the time of the crime in question.

In that regard, Mr. Ramos has submitted the report of Dr. Daignault to probation to be included in the record. Mr. Ramos also desires to have Dr. Daignault testify at the sentencing hearing concerning his report and evaluation. The defense makes this request in light of the Pre-Sentence Report's failure to consider in any meaningful way Dr. Daignault's findings, as well as the fact that the Government has had Mr. Ramos examined by it's own expert and it is the understanding of the defense, that the Government would also have testimony if Dr. Daignault was allowed to testify.

Further, Mr. Ramos would also like to present other witnesses at the sentencing hearing so the Court can gain an understanding of the time frame and circumstances of the difficulties which led to Mr. Ramos's diminished capacity.

The Defendant requests an evidentiary hearing on this matter.

Respectfully Submitted,
For the Defendant,



Barry P. Wilson
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Date

6/3/05

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CERTIFICATE OF SERVICE

I, Barry P. Wilson, certify that I have this day sent a copy of the enclosed Motion, first class mail, postage prepaid, to the following:

Emily Schulman, Esq.
United States Attorney's Office
1 Courthouse Way
Suite 9200
Boston, MA. 02210

Dated: 6/30/05


Barry P. Wilson